

Remarks**I. General Remarks and Disposition of the Claims**

Claims 1-15, 17-49, and 51-59 are pending in this application. Claims 16 and 50 have been cancelled herein. The specification and claims 1-2, 25, 30, and 59 have been objected to due to formalities. Claims 30, 55-58, and 59 have been rejected under 35 U.S.C. 112. Claim 59 has been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,089,293 to Grosner et al. ("Grosner"). Claims 30-33, 35-39, 42-43, 51, and 54-55 have been rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,146,524 to Patel et al. ("Patel"). Claims 1-2 and 21-29 have been rejected under 35 U.S.C. 103 as being obvious over U.S. Patent No. 6,542,964 to Scharber in view of U.S. PGP No. 2002/0049840 to Squire et al. ("Squire"). Claims 3-5, 8-9, 17, and 20 have been rejected under 35 U.S.C. 103 as being obvious over Scharber and Squire and further in view of Patel. Claims 6-7, 10-16, and 19-20 have been rejected under 35 U.S.C. 103 as being obvious over Scharber, Squire, and Patel, in further view of U.S. PGP No. 2002/0095532 to Surugucchi et al. ("Surugucchi"). Claims 40-41, 44-50, and 52-53 have been rejected under 35 U.S.C. 103 as being obvious over Patel in view of Surugucchi. Claims 34 and 56-58 have been rejected under 35 U.S.C. 103 as being obvious over Patel in view of design optimization.

II. Remarks Regarding Drawings, Specification, and Claims

Applicants have submitted a new figure, Figure 7, with this response. Applicants respectfully submit that Figure 7 contains no new subject matter and is fully supported by the specification as filed. Specifically, Figure 7 is referred to in detail in paragraph [0023] of the originally filed disclosure.

Paragraph [0034], line 8, of the specification has been objected to by the Examiner. Applicants respectfully submit an amended version of this paragraph in the "Amendments to the Specification" section of this response, correcting the informalities noted by the Examiner. Additionally, claims 1-2, 25, 30, and 59 have each been amended to correct the informalities noted by the Examiner. Applicants respectfully request that the objections to the specification and the claims be withdrawn.

Finally, Applicants have amended claims 30 and 59 so that they particularly point out and distinctly claim the subject matter, as requested by the Examiner. Claims 55-58 depend from claim 30. Applicants respectfully request that the rejection of these claims under 35 U.S.C. 112 be withdrawn.

III. Remarks Regarding Rejection of Independent Claims 30 and 59

Independent claim 59 has been rejected as being anticipated by Grosner, and independent claim 30 has been rejected as being anticipated by Patel. In order for an anticipation rejection under section 102 to be proper, each and every limitation found in the claims must be disclosed in the reference, either expressly or inherently. *Rockwell Intern. Corp. v. U.S.*, 147 F.3d 1358, 1363 (Fed. Cir. 1998); *Electro Med. Sys. S.A. v. Cooper Life Sciences*, 34 F.3d 1048, 1052 (Fed. Cir. 1994). Applicants submit that all of the limitations of claim 59, as amended, are not disclosed in Grosner and that all of the limitations of claim 30 are not disclosed in Patel, either expressly or inherently.

Independent claims 30 and 59, as amended, require, in part, a RAID system capable of implementing (or having) a cache policy or setting, the policy or setting including an **adaptive policy** based on **previous activity** in the information handling system. In paragraph [0024] of the originally filed disclosure, a parameter for the SCSI read-ahead feature that may be set to No-Read-Ahead (No-Ahead), Read-ahead, or Adaptive is described. Specifically, it is

noted that Adaptive is typically the default setting of this parameter. The specification states, "Adaptive specifies that the controller begins using read-ahead if the two most recent disk accesses occurred in sequential sectors." ([0024]) Thus, it is clear that the disclosure illustrates an adaptive policy based on previous activity in the information handling system.

In contrast to independent claim 59, Grosner fails to disclose a RAID system capable of implementing (or having) a cache policy or setting, the policy or setting including an **adaptive policy based on previous activity in the information handling system**. Grosner, at best, discloses that object based caching can be utilized, and that Disk Cache replacement algorithms may be dynamically tuned, but fails to teach an adaptive policy based on **previous activity** in the information handling system. (Grosner, 20:34-36) Grosner fails to teach or disclose all of the limitations of independent claim 59, and thus, Grosner does not anticipate independent claim 59. Applicants respectfully request that the rejection of independent claim 59 be withdrawn.

In contrast to independent claim 30, Patel fails to disclose a RAID system capable of implementing (or having) a cache policy or setting, the policy or setting including an **adaptive policy based on previous activity in the information handling system**. The Examiner acknowledges this deficiency of Patel. Specifically, the Examiner stated that Patel does not teach the limitation that one of said cache policies is an adaptive policy. (Office Action, p.13). As such, Patel cannot anticipate independent claim 30, as amended. Applicants respectfully request that the rejection of independent claim 30 be withdrawn.

IV. Remarks Regarding Rejection of Independent Claims 1 and 25

Independent claims 1 and 25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Scharber in view of Squire. Applicants respectfully traverse, as the Examiner has not established a prima facie case of obviousness because the prior art reference

(or references when combined) do not teach or suggest all the claim limitations. See Manual of Patent Examining Procedure § 2143 (hereinafter "MPEP"). To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).

Specifically, independent claims 1 and 25, as amended, require, at least in part, RAID systems capable of implementing two or more cache policies, wherein at least one of these cache policies is an **adaptive policy** based on **previous activity** in the information handling system. The Examiner has acknowledged the combination of Scharber and Squire fails to teach or suggest this limitation. (Office Action, p.13) The Examiner turns to Surugucchi to remedy this deficiency. The Examiner states that the only positive element that Applicants gave of "adaptive" read cache policy was that it is the typical default setting for a read cache, and thus, Surugucchi reads on the claim. (Office Action, p.14) Applicants respectfully traverse this statement, as Applicants have shown in the disclosure at paragraph [0024] that an adaptive cache policy may be based on **previous activity** (for example, disk accesses), and Applicants have amended the independent claims to positively claim this limitation. The cited portions of Surugucchi, at best, teach that data may be retrieved from a cache via fast electronic RAM, but fail to teach or suggest an adaptive cache policy that may be based on previous activity in the information handling system. (Surugucchi, [0004]) Additionally, while Surugucchi in general teaches the enabling or disabling of read-ahead, Surugucchi fails to teach or suggest an adaptive cache policy that is not necessarily the same as enabled or disabled read-ahead. (Surugucchi, [0036] and Abstract) As such, Surugucchi fails to remedy the deficiencies of Scharber and Squire, and a prima facie case of obviousness has not been established with respect to

independent claims 1 and 25. Applicants respectfully request that the rejection of these claims be withdrawn.

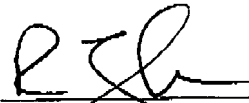
V. Remarks Regarding Rejection of Dependent Claims

Dependent claims 2-15, 17-24, 26-29, 31, 49, and 51-59 will not be discussed herein, as they depend from otherwise allowable base claims.

Conclusion

Applicants respectfully submit that the rejection of pending claims 1-15, 17-49, and 51-59 should be withdrawn and that these claims should be passed to issuance.

Respectfully submitted,



Roger Fulghum
Registration No. 39,678

Baker Botts L.L.P.
910 Louisiana
One Shell Plaza
Houston, Texas 77002-4995
(713) 229-1707

Baker Botts Docket Number: 016295.1460

Date: September 20, 2007